

REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration and allowance are now respectfully requested in view of the amendment above and the following remarks. Claims 1, 3-7 and 9-14 are pending in this application. Claims 1 and 7 are independent claims and are amended. Claims 2 and 8 were previously cancelled without prejudice or disclaimer.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Summary of Examiner Interview

Initially, Applicant's representative wishes to thank Examiner Palmer and her supervisor for their time at the interview of April 14, 2009, the contents of which are summarized below. Applicant's representative and the Examiners discussed the difference between the pending claims and U.S. Patent No. 3,855,976 to Notaras et al. There was agreement that the present invention is different from Notaras. However, the Examiners suggested further amendments to the pending claims to clearly identify these differences.

Claim Rejections under 35 U.S.C. §102

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,855,976 to Notaras et al. (hereinafter "Notaras"). This rejection is respectfully traversed.

Applicant submits that Notaras fails to teach or suggest each of the elements of the pending claims. Claim 1, in part, recites "locating said generally planar air filter in a plane which is substantially parallel to the axis of rotation of said fan and substantially parallel to a tangent to the outer circumference of said fan at said air exit region, wherein the entire face of

the planar air filter is in a plane which is parallel to the axis of rotation.” Claim 7 recites similar features. Notaras fails to teach or suggest these features.

As noted in the response to the previous Office Action, the present application notes that according to Notaras, the filter lies in a plane which is perpendicular to the axis of the rotation of the fan. In contrast, the presently pending claims recite that the filter lies “in a plane which is substantially parallel to the axis of rotation of said fan” and also lies in a plane which is “substantially parallel to a tangent to the outer circumference of said fan at said air exit region.” (emphasis added)

In addition, the presently pending claims further recite that “the entire face of the planar air filter is in a plane which is parallel to the axis of rotation.” Thus, there is significant difference in the positioning of the filter of the presently pending claims relative to the fan as compared to the positioning of the filter and fan in Notaras.

During the Interview, the Examiners also pointed out that Japanese reference number 08-338327, which was cited in Applicant’s IDS, shows a filter in a plane parallel to the axis of rotation. Reference number 08-338327 shows that the item which is in a plane parallel to the axis of rotation is item 12a which is an inlet port for an air passage 12. The inlet port 12a does not include a filter. Instead, the filter is 15 and it is included in a chamber or box 14 for the carburettor 13. Thus the filter 15 is not closely associated with the fan 11 at all, or the axis of rotation of the engine, but is instead associated with the carburetor 13. Therefore, reference number 08-338327 also fails to teach or suggest “locating said generally planar air filter in a plane which is substantially parallel to the axis of rotation of said fan and substantially parallel to a tangent to the outer circumference of said fan at said air exit region, wherein the entire face of the planar air filter is in a plane which is parallel to the axis of rotation.”

Based on the distinctions noted above, Applicants respectfully submit that Notaras fails to teach or suggest each of the elements recited in claims 1 and 7. Each of claims 3-6 and 9-14 depends on claims 1 and 7 and incorporates all of the features of claims 1 and 7, in addition to the further features recited in claims 3-6 and 9-14. Hence, Notaras also fails to anticipate or make obvious the elements recited in claims 3-6 and 9-14. Therefore, Applicants respectfully request that this rejection of claims 1-14 under 35 U.S.C. §102 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22216-00018-US1 from which the undersigned is authorized to draw.

Dated: May 11, 2010

Respectfully submitted,

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